

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SIMON PROPERTY GROUP, L.P.,

Plaintiff,

-against-

21-cv-7850 (PKC)

ORDER


U.S. BANK NATIONAL ASSOCIATION.,

Defendant.

-----X  
CASTEL, U.S.D.J.

By June 23, 2022, the parties shall submit letter-briefs on ECF stating their positions on the issue of this Court’s subject matter jurisdiction in light of the presence of Ohio domiciliaries on both sides of this third-party action. In particular, the parties are invited to discuss the Court’s exercise of supplemental jurisdiction over this case in light of the following: (1) Ninth and Fifth Circuit precedent that “[a] severed action must have an independent jurisdictional basis.” Herklotz v. Parkinson, 848 F.3d 894, 898 (9th Cir. 2017) (citing Honeywell Int’l, Inc. v. Phillips Petroleum Co., 415 F.3d 429, 431-32 (5th Cir. 2005)); (2) the rule that federal jurisdiction “depends upon the state of things at the time of the action brought.” Keene Corp. v. United States, 508 U.S. 200, 207 (1993) (quoting Mollan v. Torrance, 22 U.S. 537, 539 (1824)); and (3) a district court’s discretion to exercise supplemental jurisdiction over a pendent claim even after “the district court has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c)(3).

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
June 15, 2022